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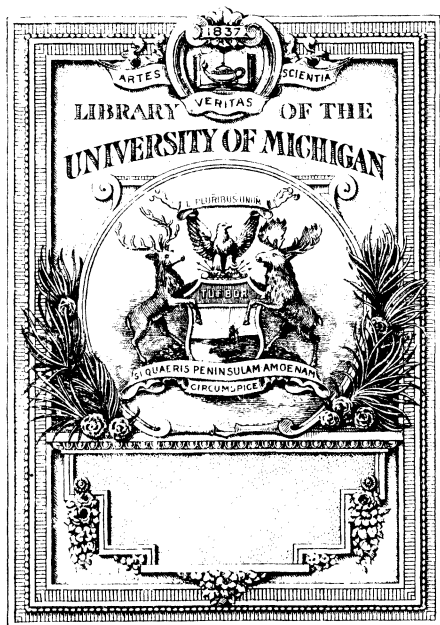
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LAWS AGAINST TREASON, SEDITION, ETC.

COMMUNICATION FROM THE LAW OFFICER OF THE DIVISION OF INSULAR
AFFAIRS, MAKING A COMPARISON BETWEEN THE EXISTING LAWS
OF THE UNITED STATES AGAINST TREASON, SEDITION,
AND MISPRISION AND THE PROVISIONS OF ACT
NO. 292 OF THE PHILIPPINE COMMISSION.







U. S. Laws, statutes, etc.

LAWS AGAINST TREASON, SEDITION, ETC.

COMMUNICATION FROM THE LAW OFFICER OF THE DIVISION OF
INSULAR AFFAIRS, MAKING A COMPARISON BETWEEN THE
EXISTING LAWS OF THE UNITED STATES AGAINST TREASON,
SEDITION, AND MISPRISION AND THE PROVISIONS OF ACT NO.
292 OF THE PHILIPPINE COMMISSION.

FEBRUARY 10, 1902.—Ordered to be printed as a document.

WAR DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., February 10, 1902.

MY DEAR SENATOR: I have the honor to acknowledge the receipt of your request that I make a comparison between the existing laws of the United States against treason, sedition, and misprision and the provisions of act No. 292 of the Philippine Commission, entitled "An act defining the crimes of treason, insurrection, sedition, conspiracies to commit such crimes, seditious utterances, whether written or spoken, the formation of secret political societies, the administering or taking of oaths to commit crimes or to prevent the discovering of the same, and the violation of oaths of allegiance, and prescribing punishment therefor."

In compliance with your request, I have the further honor to transmit a copy of said act No. 292, together with the suggested comparison.

Very respectfully,

CHARLES E. MAGOON,
Law Officer Division of Insular Affairs.

Hon. J. B. FORAKER,
United States Senate.

[No. 292.]

AN ACT defining the crimes of treason, insurrection, sedition, conspiracies to commit such crimes, seditious utterances, whether written or spoken, the formation of secret political societies, the administering or taking of oaths to commit crimes or to prevent the discovering of the same, and the violation of oaths of allegiance, and prescribing punishment therefor.

By authority of the President of the United States, be it enacted by the United States Philippine Commission, that:

SECTION 1. Every person resident in the Philippine Islands owing allegiance to the United States or the government of the Philippine

Islands who levies war against them, or adheres to their enemies, giving them aid and comfort within the Philippine Islands or elsewhere, is guilty of treason, and, upon conviction, shall suffer death, or, at the discretion of the court, shall be imprisoned at hard labor for not less than five years and fined not less than ten thousand dollars.

SEC. 2. Every person owing allegiance to the United States or the government of the Philippine Islands, and having knowledge of any treason against them or either of them, who conceals, and does not, as soon as may be, disclose and make known the same to the provincial governor in the province in which he resides, or to the civil governor of the islands, or to some judge of a court of record, is guilty of misprison of treason, and shall be imprisoned not more than seven years and be fined not more than one thousand dollars.

SEC. 3. Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or of the government of the Philippine Islands, or the laws thereof, or who gives aid or comfort to anyone so engaging in such rebellion or insurrection, shall, upon conviction, be imprisoned for not more than ten years and be fined not more than ten thousand dollars.

SEC. 4. If two or more persons conspire to overthrow, put down, or destroy by force the Government of the United States in the Philippine Islands or the government of the Philippine Islands, or by force to prevent, hinder, or delay the execution of any law of the United States or of the Philippine Islands, or by force to seize, take, or possess any property of the United States or of the government of the Philippine Islands, contrary to the authority thereof, each of such persons shall be punished by a fine of not more than five thousand dollars and by imprisonment, with or without hard labor, for a period not more than six years.

SEC. 5. All persons who rise publicly and tumultuously in order to attain by force or outside of legal methods any of the following objects are guilty of sedition:

1. To prevent the promulgation or execution of any law or the free holding of any popular election.

2. To prevent the insular government or any provincial or municipal government or any public official from freely exercising its or his duties or the due execution of any judicial or administrative order.

3. To inflict any act of hate or revenge upon the person or property of any official or agent of the insular government or of a provincial or municipal government.

4. To inflict, with a political or social object, any act of hate or revenge upon individuals or upon any class of individuals in the islands.

5. To despoil, with a political or social object, any class of persons, natural or artificial, a municipality, a province, or the insular government or the Government of the United States, or any part of its property.

SEC. 6. Any person guilty of sedition as defined in section 5 hereof shall be punished by a fine of not exceeding five thousand dollars and by imprisonment not exceeding ten years, or both.

SEC. 7. All persons conspiring to commit the crime of sedition shall be punished by a fine of not exceeding one thousand dollars or by imprisonment not exceeding five years, or both.

SEC. 8. Every person who shall utter seditious words or speeches, write, publish, or circulate scurrilous libels against the Government of the United States or the insular government of the Philippine Islands or which tend to disturb or obstruct any lawful officer in executing his office, or which tend to instigate others to cabal or meet together for unlawful purposes, or which suggest or incite rebellious conspiracies or riots or which tend to stir up the people against the lawful authorities or to disturb the peace of the community, the safety and order of the Government, or who shall knowingly conceal such evil practices, shall be punished by a fine not exceeding two thousand dollars or by imprisonment not exceeding two years, or both, in the discretion of the court.

SEC. 9. All persons who shall meet together for the purpose of forming, or who shall form, any secret society, or who shall after the passage of this act continue membership in a society already formed having for its object, in whole or in part, the promotion of treason, rebellion, or sedition, or the promulgation of any political opinion or policy, shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or both.

SEC. 10. Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands it shall be unlawful for any person to advocate orally, or by writing or printing or like methods, the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation.

Any person violating the provisions of this section shall be punished by a fine of not exceeding two thousand dollars and imprisonment not exceeding one year.

SEC. 11. Every person who shall administer, or be present and consent to the administering of, any oath or any engagement purporting to bind the person taking the same to commit any crime punishable by death or by imprisonment for five years or more, or who shall attempt to induce or compel any person to take any such oath or engagement or who shall himself take any such oath or engagement, shall be punished by a fine not exceeding two thousand dollars or by imprisonment not exceeding ten years.

SEC. 12. Any person who administers or who is present at and consenting to the administering of any oath or engagement purporting to bind the person taking the same, either—

1. To engage in any seditious purpose; or
2. To disturb the public peace or commit or endeavor to commit any criminal offense; or
3. To fail or refuse to inform and give evidence against any associate, confederate, or other person; or
4. To fail or refuse to reveal or discover any unlawful combination or confederacy or any illegal act done or to be done or any illegal oath or obligation or engagement which may have been administered or tendered to, or taken by, any person or the import of any such oath, obligation, or engagement;

And likewise anyone who attempts to induce or compel any person to take any such oath or engagement, and likewise any person who

takes any such oath or engagement, shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding five years, or both.

SEC. 13. Any person who under such compulsion as would otherwise excuse him offends against either of the last two preceding sections shall not be excused thereby unless within the periods hereinafter stated he declares the same, and what he knows touching the same, and the persons by whom such oath or obligation or engagement was administered or taken, by information upon oath before a justice of the peace, judge of a court of first instance, or provincial fiscal of the municipality or province in which such oath or engagement was administered or taken. Such declaration may be made by him within fourteen days after the commission of the offense, or, if he is hindered from making it, by actual force or sickness, then within eight days after cessation of such hindrance, or on his trial, if that happens before the expiration of either of those periods.

SEC. 14. Any person who shall have taken any oath before any military officer of the Army of the United States or before any officer under the civil government of the Philippine Islands, whether such official so administering the oath was specially authorized by law so to do or not, in which oath the affiant in substance engaged to recognize or accept the supreme authority of the United States of America in these islands, or to maintain true faith and allegiance thereto, or to obey the laws, legal orders, and decrees promulgated by its duly constituted authorities, and who shall, after the passage of this act, violate the terms and provisions of such oath or any of such terms or provisions, shall be punished by a fine not exceeding two thousand dollars or by imprisonment not exceeding ten years, or both.

SEC. 15. The provisions of this act shall not apply to the organized provinces of Batangas, Cebú and Bohol, nor to any province where civil government has not been established, so long as insurrection against the authority of the United States exists therein, unless the Commanding General of the Army of the United States, Division of the Philippines, shall authorize and direct prosecutions in the civil courts in such territories for offenses under this act, in which event it shall apply.

SEC. 16. All laws and parts of laws now in force, so far as the same may be in conflict herewith, are hereby repealed; provided, that nothing herein contained shall operate as a repeal of existing laws in so far as they are applicable to pending actions or existing causes of actions, but as to such causes of actions, or pending actions, existing laws shall remain in full force and effect, this act being entirely prospective.

SEC. 17. A foreigner, residing in the Philippine Islands, who shall commit any of the crimes specified in the preceding sections of this act except those specified in sections 1 and 2 shall be punished in the same way and with the same penalty as that prescribed for the particular crime therein.

SEC. 18. This act shall take effect on its passage.

Enacted November 4, 1901.

WAR DEPARTMENT,
OFFICE OF THE SECRETARY,
DIVISION OF INSULAR AFFAIRS.

REPORT ON ACT NO. 292, PHILIPPINE COMMISSION, ENTITLED "AN ACT DEFINING THE
CRIMES OF TREASON, INSURRECTION, SEDITION, CONSPIRACIES TO COMMIT SUCH
CRIMES, SEDITIOUS UTTERANCES, WHETHER WRITTEN OR SPOKEN, THE
FORMATION OF SECRET POLITICAL SOCIETIES, THE ADMINISTERING
OR TAKING OF OATHS TO COMMIT CRIMES OR TO PREVENT
THE DISCOVERING OF THE SAME, AND THE VIOLATION
OF OATHS OF ALLEGIANCE, AND PRESCRIBING
PUNISHMENT THEREFOR."

Submitted by CHARLES E. MAGOON,
LAW OFFICER, DIVISION OF INSULAR AFFAIRS, WAR DEPARTMENT.

COMPARISON OF THE PROVISIONS OF ABOVE-ENTITLED ACT WITH
SIMILAR ENACTMENTS IN THE UNITED STATES.

ACT No. 292 of Philippine Commission, entitled "An act defining the crimes of treason, insurrection, sedition, conspiracies to commit such crimes, seditious utterances whether written or spoken, the formation of secret political societies, the administering or taking of oaths to commit crimes or to prevent the discovering of the same, and the violation of oaths of allegiance, and prescribing punishment therefor."

COMPARISON OF THE PROVISIONS OF ABOVE ENTITLED ACT WITH SIMILAR STATUTES ENACTED IN THE UNITED STATES.

Act No. 292, Philippine Commission.

Laws of the United States. (Rev. Stats. of United States.)

SECTION 1. Every person, resident in the Philippine Islands, owing allegiance to the United States or the government of the Philippine Islands, who levies war against them, or adheres to their enemies, giving them aid and comfort within the Philippine Islands or elsewhere, is guilty of treason, and, upon conviction, shall suffer death, or, at the discretion of the court, shall be imprisoned at hard labor for not less than five years and fined not less than ten thousand dollars.

SEC. 5331. Every person owing allegiance to the United States who levies war against them, or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason.

SEC. 5332. Every person guilty of treason shall suffer death; or, at the discretion of the court, shall be imprisoned at hard labor for not less than five years, and fined not less than ten thousand dollars, to be levied and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States.

SEC. 2. Every person, owing allegiance to the United States or the government of the Philippine Islands and having knowledge of any treason against them or either of them, who conceals, and does not, as soon as may be, disclose and make known the same to the provincial governor in the province in which he resides, or to the civil governor of the islands, or to some

SEC. 5333. Every person, owing allegiance to the United States and having knowledge of the commission of any treason against them, who conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason,

judge of a court of record, is guilty of misprision of treason, and shall be imprisoned not more than seven years and be fined not more than one thousand dollars.

SEC. 3. Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or of the government of the Philippine Islands, or the laws thereof, or who gives aid or comfort to anyone so engaging in such rebellion or insurrection, shall, upon conviction, be imprisoned for not more than ten years and be fined not more than ten thousand dollars.

SEC. 4. If two or more persons conspire to overthrow, put down, or destroy by force the Government of the United States in the Philippine Islands or the government of the Philippine Islands, or by force to prevent, hinder, or delay the execution of any law of the United States or of the Philippine Islands, or by force to seize, take, or possess any property of the United States or of the government of the Philippine Islands contrary to the authority thereof, each of such persons shall be punished by a fine of not more than five thousand dollars, and by imprisonment, with or without hard labor, for a period not more than six years.

SEC. 5. All persons who rise publicly and tumultuously in order to attain by force or outside of legal methods any of the following objects, are guilty of sedition:

PAR. 1. To prevent the promulgation or execution of any law or the free holding of any popular election.

and shall be imprisoned not more than seven years and fined not more than one thousand dollars.

SEC. 5334. Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States, or the laws thereof, or gives aid or comfort thereto, shall be punished by imprisonment not more than ten years, or by a fine of not more than ten thousand dollars, or by both of such punishments; and shall, moreover, be incapable of holding any office under the United States.

SEC. 5336. If two or more persons in any State or Territory conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof; or by force to prevent, hinder, or delay the execution of any law of the United States; or by force to seize, take, or possess any property of the United States contrary to the authority thereof; each of them shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars; or by imprisonment, with or without hard labor, for a period not less than six months nor more than six years, or by both such fine and imprisonment.

SEC. 5506. Every person who, by any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be fined not less than five hundred dollars, or be imprisoned not less than one month

nor more than one year, or be punished by both such fine and imprisonment.

SEC. 5398. Every person who knowingly and willfully obstructs, resists, or opposes any officer of the United States in serving or attempting to serve or execute any mesne process or warrant, or any rule or order of any court of the United States, or any other legal or judicial writ or process, or assaults, beats, or wounds any officer or other person duly authorized in serving or executing any writ, rule, order, process, or warrant, shall be imprisoned not more than twelve months, and fined not more than three hundred dollars.

SEC. 5399. Every person who corruptly, or by threats or force, endeavors to influence, intimidate, or impede any witness or officer in any court of the United States in the discharge of his duty, or corruptly, or by threats or force, obstructs or impedes, or endeavors to obstruct or impede, the due administration of justice therein, shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than three months, or both.

SEC. 5407. If two or more persons in any State or Territory conspire for the purpose of impeding, hindering, obstructing, or defeating in any manner the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws, each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment with or without hard labor, not less than six months nor more than six

PAR. 2. To prevent the insular government, or any provincial or municipal government, or any public official from freely exercising its or his duties or the due execution of any judicial or administrative order.

PAR. 3. To inflict any act of hate or revenge upon the person or property of any official or agent of the insular government or of a provincial or municipal government.

PAR. 4. To inflict, with a political or social object, any act of hate or revenge upon individuals or upon any class of individuals in the islands.

PAR. 5. To despoil, with a political or social object, any class of persons, natural or artificial, a municipality, a province, or the insular government or the Government of the United States, or any part of its property.

years, or by both such fine and imprisonment.

SEC. 5518. If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

SEC. 5508. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than five thousand dollars and imprisoned not more than ten years; and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States.

SEC. 6. Any person guilty of sedition as defined in section 5 hereof shall be punished by a fine of not exceeding five thousand dollars and by imprisonment not exceeding ten years, or both.

SEC. 5519. If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

(Sections 5 and 6 of the act of the Philippine Commission No. 292 are reenactments, with modified penalties, of articles 236 and 237 of the reform penal code of Spain, in force in the Philippines at the time of the transfer of sovereignty. Said articles of the Spanish code are as follows:

“ART. 236. Those who shall rise publicly and tumultuously in order to attain by force or outside of legal methods any of the following objects are guilty of sedition:

“1. To prevent the promulgation or execution of laws, or the free holding of popular elections in any province, circumscription, or electoral district.

“2. To prevent any authority, corporation, official, or public officer from freely exercising his duties or the execution of his official or administrative orders.

“3. To wreak any deed of hate or revenge upon the person or property of any authority or its agents.

"4. To wreak, with a political or social object, any deed of hate or revenge upon individuals or upon any class in the State.

"5. To despoil, with a political or social object, any class of persons, the municipality, the province, or the State of all or any part of their property, or to lay waste or destroy such property.

"ART. 237. Those who, by inciting the seditious and making them resolute, shall have promoted and supported sedition, and its principal leaders, shall be punished with the penalty of *reclusión temporal* should they be included in any of the cases specified in the first paragraph of No. 2 of article 174, and with that of *prisión mayor* should they not be included in any of these."

See Trans. Penal Code for the Philippines, Div. of Ins. Affrs., War Dept.)

SEC. 7. All persons conspiring to commit the crime of sedition shall be punished by a fine of not exceeding one thousand dollars, or by imprisonment not exceeding five years, or both.

SEC. 5337. Every person who recruits soldiers or sailors within the United States to engage in armed hostility against the same, or who opens within the United States a recruiting station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States, shall be fined not less than two hundred dollars nor more than one thousand dollars, and imprisoned not less than one year nor more than five years.

SEC. 5338. Every soldier or sailor enlisted or engaged within the United States with intent to serve in armed hostility against the same, shall be punished by a fine of one hundred dollars, and by imprisonment not less than one year nor more than three years.

SEC. 1342, Art. 19, p. 232, U. S. Rev. Stats. Any officer who uses contemptuous or disrespectful words against the President, the Vice-President, the Congress of the United States, or the chief magistrate or legislature of any

of the United States in which he is quartered, shall be dismissed from the service or otherwise punished, as a court-martial may direct. Any soldier who so offends shall be punished as a court-martial may direct.

SEC. 1342, Art. 22. Any officer or soldier who begins, excites, causes, or joins in any mutiny or sedition, in any troop, battery, company, party, post, detachment, or guard, shall suffer death, or such other punishment as a court-martial may direct.

SEC. 1342, Art. 23. Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or having knowledge of any intended mutiny or sedition, does not, without delay, give information thereof to his commanding officer, shall suffer death, or such other punishment as a court-martial may direct.

SEC. 1624, Art. 8, provides: "Such punishment as a court-martial may adjudge may be inflicted on any person in the Navy who * * * utters any seditious or mutinous words."

Act No. 292 Philippine Commission.

SEC. 8. Every person who shall utter seditious words or speeches, write, publish, or circulate scurrilous libels against the Government of the United States or the insular government of the Philippine Islands or which tend to disturb or obstruct any lawful officer in executing his office, or which tend to instigate others to cabal or meet together for unlawful purposes, or which suggest or incite rebellious conspiracies or riots, or which tend to stir up the people against the lawful authorities or to disturb the peace of the community, the safety and order of the Government, or who shall know-

Code of Tennessee.

SEC. 5555. Whoever shall be guilty of uttering seditious words or speeches, spreading abroad false news, writing or dispersing scurrilous libels against the State or General Government, disturbing or obstructing any lawful officer in executing his office, or of instigating others to cabal and meet together, to contrive, invent, suggest or incite rebellious conspiracies, riots, or any manner of unlawful feud or differences, thereby to stir people up maliciously to contrive the ruin and destruction of the peace, safety, and order of the Government, or shall knowingly conceal such evil practices, shall be punished by fine and im-

ingly conceal such evil practices, shall be punished by a fine not exceeding two thousand dollars or by imprisonment not exceeding two years, or both in the discretion of the court.

(This section was probably drafted by Hon. Luke E. Wright, acting governor of the Philippines, who formerly practiced law in Tennessee. Being familiar with the statutes of that State, he naturally adopted the language employed by the Tennessee legislature in creating an enactment of similar character.)

prisonment at the discretion of the court and jury trying the case, and may be compelled to give good and sufficient sureties for his or her good behavior during the court's pleasure, and shall be incapable of bearing any office of honor, trust, or profit in the State government for the space of three years. It shall be the duty of the judge to give this in charge to the grand jury, and no prosecutor shall be required to an indictment under this article.

(See sec. 5555, Code of Tennessee, Milliken & Vertrees, 1884.)

Rev. Stats. of the United States.

SEC. 2111. Every person who sends any talk, speech, message or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquillity of the United States, is liable to a penalty of two thousand dollars.

SEC. 2112. Every person who carries or delivers any talk, message, speech, or letter, intended to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace or tranquillity of the United States, knowing the contents thereof, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatever, residing within the United States, or from or to any subject, citizen, or agent of any foreign power or State is liable to a penalty of one thousand dollars.

SEC. 2113. Every person who carries on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual, to war against the United States, or to the violation of any existing treaty; or who alienates, or attempts to alienate, the confidence of any Indian or Indians from the

Government of the United States, is liable to a penalty of one thousand dollars.

Revised Statutes of Florida.

2376. Exciting insurrection. If any person shall excite an insurrection or sedition amongst any portion or class of the population of this State, or shall attempt by writing, speaking, or by any other means, to excite such insurrection or sedition, the person or persons so offending shall be punished by imprisonment in the State prison not exceeding twenty years.

*Penal Code of West Virginia
(Chapter CXLIII).*

SEC. 4. If any person shall attempt to justify or uphold an armed invasion of this State or an organized insurrection therein, by speaking, writing, or printing, or by publishing or circulating any written or printed document, or in any other way whatever, during the continuance of such invasion or insurrection, he shall be fined not exceeding one thousand dollars, and be confined in jail not exceeding twelve months.

Act No. 292, Philippine Commission.

SEC. 9. All persons who shall meet together for the purpose of forming or who shall form any secret society or who shall after the passage of this act continue membership in a society already formed, having for its object, in whole or in part, the promotion of treason, rebellion, or sedition, or the promulgation of any political opinion or policy shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or both.

Laws of Maryland.

SEC. 267. If any person or persons within this State shall hold any secret or public meeting or unite with or belong to any secret club or association known by him or them to be intended to effect, promote, or encourage the separation or secession of this State from the Government or Union of the United States, every such person, upon conviction thereof, shall be sentenced to confinement in the penitentiary for a term not less than two nor more than six years, or to a fine of not less than five hundred or more than three thousand dollars, at the discretion of the court.

Gen. Stats. of Kansas. (Chap. 100, crimes, &c.)

SEC. 3. Any citizen of this State who shall join any society or organization the object of which shall be to produce an insurrection, or to revolutionize the government of this State or of the United States, or shall furnish arms or military stores to the enemies of this State or of the United States, knowing them to be such, shall, upon conviction, be punished by confinement in the penitentiary for not less than one nor more than ten years.

Revised Stats. of Florida.

SEC. 2374. Combination to usurp government: If two or more persons shall combine by force to usurp the government of this State, or to overturn the same, or interfere forcibly in the administration of the government or any department thereof, the person so offending shall be punished by imprisonment in the State prison not exceeding ten years.

Decision of the United States Supreme Court.

The Supreme Court of the United States say:

“Open resistance to the measures deemed necessary to subdue a great rebellion by those who enjoy the protection of government and have not the excuse even of prejudice of section to plead in their favor becomes an *enormous crime* when it assumes the form of a secret political organization, armed to oppose the laws, and seeks by stealthy means to introduce the enemies of the country into peaceful communities, there to light the torch of civil war and thus overthrow the power of the United States. Conspiracies like these at such a juncture are extremely perilous, and those con-

cerned in them are dangerous enemies to their country and should receive the heaviest penalties of the law as an example to deter others from similar criminal conduct." (Ex Parte Milligan, 4 Wall., 130.)

Act No. 292, Philippine Commission.

SEC. 10. Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands, it shall be unlawful for any person to advocate, orally or by writing or printing or like methods, the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation.

Any person violating the provisions of this section shall be punished by a fine of not exceeding two thousand dollars and imprisonment not exceeding one year.

Rev. Stats. of the United States.

SEC. 5335. Every citizen of the United States, whether actually resident or abiding within the same or in any foreign country, who, without the permission or authority of the Government, directly or indirectly commences or carries on any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government, or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of or resident within the United States, and not duly authorized, who counsels, advises, or assists in any such correspondence with such intent, shall be punished by a fine of not more than five thousand dollars and by imprisonment during a term not less than six months nor more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects.

Laws of Maryland.

SEC. 267. If any person or persons within this State shall hold any secret or public meeting, or unite with or belong to any secret club or association known by him

or them to be intended to effect, promote, or encourage the separation or secession of this State from the Government or Union of the United States, every such person, upon conviction thereof, shall be sentenced to confinement in the penitentiary for a term not less than two nor more than six years, or to a fine of not less than five hundred or more than three thousand dollars, at the discretion of the court.

Statutes of New Jersey (chapter on crimes).

SEC. 4. If any person owing allegiance to this State shall, by speech, writing, open deed or act, advisedly and wittingly maintain and defend the authority or jurisdiction of any foreign power, potentate, republic, king, state, or nation whatsoever in and over this State, or the people thereof, such person so offending shall, on conviction, be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both, the fine not to exceed four hundred dollars nor the imprisonment the term of one year.

Penal code of Virginia.

SEC. 3658. Treason shall consist only in levying war against the State, or adhering to its enemies, giving them aid and comfort, or establishing, without authority of the legislature, any government within its limits separate from the existing government, or holding or executing in such usurped government any office, or professing allegiance or fidelity to it, or resisting the execution of the laws under color of its authority; and such treason, if proved by the testimony of two witnesses to the same overt act or by confession in court, shall be punished with death.

* * * *

SEC. 3660. If any person attempt to establish any such usurped gov-

ernment and commit any overt act therefor, or by writing or speaking endeavor to instigate others to establish such government, he shall be confined in jail not exceeding twelve months and fined not exceeding one thousand dollars.

See Laws of Rhode Island, Chap. 30, sections 4-7. (Post p. —.)

Decision of the United States Supreme Court.

Respecting the title to sovereignty and property acquired by the United States in the Philippines the Supreme Court say (see the Diamond Ring case, opinion filed Dec. 2, 1901):

“It is further contended that a distinction exists in that, while complete possession of Porto Rico was taken by the United States, this was not so as to the Philippines, because of the armed resistance of the native inhabitants to a greater or less extent.

“We must decline to assume that the Government wishes thus to disparage the title of the United States or to place itself in the position of waging a war of conquest.

“The sovereignty of Spain over the Philippines and possession under claim of title had existed for a long series of years prior to the war with the United States. The fact that there were insurrections against her or that uncivilized tribes may have defied her will did not affect the validity of her title. She granted the islands to the United States, and the grantee in accepting them took nothing less than the whole grant.

“If those in insurrection against Spain continued in insurrection against the United States, the legal title and possession of the latter remained unaffected.

“We do not understand that it is claimed that in carrying on the pending hostilities the Government is seeking to subjugate the people of a foreign country, but, on the

contrary, that it is preserving order and suppressing insurrection in territory of the United States. It follows that the possession of the United States is adequate possession under legal title, and this can not be asserted for one purpose and denied for another. We dismiss the suggested distinction as untenable."

Act No. 292, Philippine Commission.

SEC. 11. Every person who shall administer, or be present and consent to the administering of, any oath or any engagement purporting to bind the person taking the same to commit any crime punishable by death or by imprisonment for five years or more, or who shall attempt to induce or compel any person to take any such oath or engagement, or who shall himself take any such oath or engagement, shall be punished by a fine not exceeding two thousand dollars or by imprisonment not exceeding ten years.

SEC. 12. Any person who administers or who is present at, and consenting to, the administering of any oath or engagement purporting to bind the person taking the same, either:

1. To engage in any seditious purpose; or
2. To disturb the public peace or commit or endeavor to commit any criminal offense; or

Revised Statutes of United States.

SEC. 5308. Whenever during any insurrection against the Government of the United States, after the President shall have declared by proclamation that the laws of the United States are opposed and the execution thereof obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law, any person, or his agent, attorney, or employee, purchases or acquires, sells or gives, any property of whatsoever kind or description with intent to use or employ the same, or suffers the same to be used or employed in aiding, abetting, or promoting such insurrection or resistance to the laws, or any person engaged therein, or being the owner of any such property, knowingly uses or employs, or consents to such use or employment of the same, all such property shall be lawful subject of prize and capture wherever found; and it shall be the duty of the President to cause the same to be seized, confiscated, and condemned.

SEC. 5440. If two or more persons conspire either to commit any offense against the United States or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be liable to a penalty of not less than one thousand dollars and not more than ten thou-

3. To fail or refuse to inform and give evidence against any associate, confederate, or other person; or

4. To fail or refuse to reveal or discover any unlawful combination or confederacy, or any illegal act done or to be done, or any illegal oath or obligation or engagement which may have been administered or tendered to or taken by any person, or the import of any such oath, obligation, or engagement:

And likewise anyone who attempts to induce or compel any person to take any such oath or engagement, and likewise any person who takes any such oath or engagement, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding five years, or both.

sand dollars, and to imprisonment not more than two years.

(United States Digest, vol. 3, p. 353.)

A conspiracy is a combination of two or more persons by concerted action to accomplish some criminal or unlawful purpose, or to accomplish some purpose not in itself criminal or unlawful by criminal or unlawful means.

State v. Mayberry, 48 Me., 218; *State v. Rowley*, 12 Conn., 101; *Smith v. People*, 25 Ill., 17; *Commonwealth v. Hunt*, 4 Mete. (Mass.), 111; *Alderman v. People*, 4 Mich., 414; *State v. Burnham*, 15 N. H., 396; *Hinchman v. Richie*, Bright (Pa.), 143.

The gist of a conspiracy is the unlawful confederacy to do an unlawful act or a lawful act for an unlawful purpose. And the offense is complete when the confederacy is made.

(*Commonwealth v. Judd*, 2 Mass., 337; *Commonwealth v. Tibbets*, 2 Mass., 538; *Commonwealth v. Warren*, 6 Mass., 74; *People v. Mather*, 4 Wend. (N. Y.), 259; *State v. Cawood*, 2 Stew. (Ala.), 360; *State v. Rickey*, 9 N. J. L. (4 Hals.), 293; *State v. Buchanan*, 5 Har. & J. (Md.), 317; *Collins v. Commonwealth*, 3 Serg. & R. (Pa.), 220. See also *Republica v. Ross*, 2 Yeates (Pa.), 8; *Morgan v. Bliss*, 2 Mass., 112; *Commonwealth v. Hunt*, Thach. (Mass.), Cr. Cas., 609; *People v. Richards*, 1 Mich., 216.)

A conspiracy is criminal when the act to be done has a necessary tendency to prejudice the public or to oppress individuals by unjustly subjecting them to the power of the confederates. *Chew v. Carlisle*, Bright (Pa.), 36.

The provisions of the remaining sections of said act No. 292 (13-18) are not considered as requiring comparison.

LAWS OF THE STATES OF THE UNION AGAINST TREASON AND MISPRISION OF TREASON.

In many of the statutes hereinafter set forth the words "levying of war" are used to describe and define the crime of treason. That an accurate understanding may be had of what is meant by the expression "levying of war," the following is quoted from Bouvier's Law Dictionary, edition of 1897. (See title, Treason.)

"To constitute a 'levying of war' there must be an assemblage of persons with force and arms to overthrow the government or resist the laws. All who aid in the furtherance of the common object of levying war against the United States, in however minute a degree, or however remote from the scene of action, are guilty of treason." (4 Sawy., 457.)

In *ex parte Bollman et al.* (4, Cranch., 75), Chief Justice Marshall said (126):

"It is not the intention of the court to say that no individual can be guilty of this crime (treason) who has not appeared in arms against his country. On the contrary, if war be actually levied—that is, if a body of men be actually assembled for the purpose of effecting by force a treasonable purpose, all those who perform any part, however minute, or however remote from the scene of action, and who are actually leagued in the general conspiracy, are to be considered as traitors." (See also *Druecker v. Salomon*, 21 Wis., 621.)

CODE OF ALABAMA (1896).

TREASON.

PROVISIONS OF THE CONSTITUTION.

§19. That treason against the State shall consist only in levying war against it or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or his own confession in open court.

STATUTORY PROVISIONS.

5605. *Punishment of treason.*—Everyone who commits the crime of treason against the State must, on conviction, suffer death, or imprisonment in the penitentiary for life, at the discretion of the jury trying the same.

REVISED STATUTES OF ARIZONA.

TITLE III.

OF OFFENSES AGAINST THE SOVEREIGNTY OF THE TERRITORY.

30. Whoever unlawfully levies war against this Territory or the United States, or the inhabitants of either, or knowingly adheres to the enemies of either, giving them aid or comfort, is guilty of treason against the Territory of Arizona.

31. Any persons, including Indians, who reside within the Territory, are capable of committing treason, and allegiance to the Territory shall be conclusively presumed from a residence therein upon a trial for treason.

32. Levying war against this Territory or the United States, or the inhabitants of either, may consist of inciting, setting on foot, assisting, or engaging in any rebellion, Indian outbreak, or insurrection against the authority of the Territory or of the United States, or against the authority of the laws of either.

33. The punishment of treason shall be death.

34. Misprision of treason is the knowledge and concealment of treason, without otherwise assenting to or participating in the crime. It is punishable by imprisonment in the territorial prison for a term not exceeding five years.

STATUTES OF ARKANSAS.

[Sandels & Hill, 1894.]

TREASON.

CRIMINAL LAW.

SECTION 1912. Treason against the State shall consist only in levying war against the State or adhering to its enemies, giving aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 1913. Any person convicted of treason shall suffer death.

SEC. 1914. Misprision of treason shall consist in the knowledge and concealment of treason actually committed by others, without otherwise assenting to or participating in the crime.

SEC. 1915. Any person duly convicted of misprision of treason shall be punished by fine not exceeding one thousand dollars and imprisonment not exceeding one year.

PENAL CODE OF CALIFORNIA.

OFFENSES AGAINST THE SOVEREIGNTY OF THE STATE.

SECTION 37. Treason against this State consists only in levying war against it, adhering to its enemies, or giving them aid and comfort, and can be committed only by persons owing allegiance to the State. The punishment of treason shall be death.

SECTION 38. Misprision of treason is the knowledge and concealment of treason, without otherwise assenting to or participating in the crime. It is punishable by imprisonment in the State prison for a term not exceeding five years.

GENERAL STATUTES OF CONNECTICUT (1888).

OFFENSES AGAINST THE SOVEREIGNTY OF THE STATE.

SECTION 1396. Every person who shall commit treason against this State, by levying war against it or by adhering to its enemies, giving them aid and comfort, shall suffer death.

SECTION 1397. Every person who shall endeavor to join the enemies of this State, or use his influence to induce any person to join, aid, or comfort them, or shall know of any person endeavoring or using such influence, or of any treason described in the preceding section, and shall conceal the same, shall be fined not more than one thousand dollars, and imprisoned in the State prison not less than three, nor more than seven years.

SECTION 1398. Every person in this State who shall, in time of war or of rebellion against this State or the United States, directly or indirectly, commence or carry on any intercourse with any enemy or rebel, or with any person, for the purpose of being communicated to him, with intent to aid him or to defeat or embarrass the

measures of the Government of this State or of the United States; or shall, directly or indirectly, sell or transport, or attempt to transport, to such enemy or rebels arms, munitions of war, or provisions or supplies of any kind, shall be fined not more than one thousand dollars, or imprisoned in the State prison not less than three nor more than seven years, or both.

REVISED CODE OF DELAWARE (1893).

OFFENSES AGAINST THE SOVEREIGNTY OF THE STATE.

SECTION 1. Every person who shall commit treason against the State shall be deemed guilty of felony, and shall suffer death.

REVISED STATUTES OF FLORIDA (1892).

CRIMES AND CRIMINAL PROCEDURE.

OFFENSES AGAINST THE SOVEREIGNTY OF THE STATE.

2372. *Treason.*—Treason against the State shall consist only in levying war against the same, or in adhering to the enemies thereof, or giving them aid and comfort. Whoever commits treason against this State shall be punished by imprisonment in the State prison for life at hard labor.

2373. *Misprision of treason.*—Whoever having knowledge of the commission of treason conceals the same and does not as soon as may be disclose and make known such treason to the governor or one of the justices of the supreme court or a judge of the circuit court, shall be judged guilty of the offense of misprision of treason and be punished by imprisonment in the State prison not exceeding five years or by fine not exceeding one thousand dollars.

2374. *Combination to usurp government.*—If two or more persons shall combine by force to usurp the government of this State, or to overturn the same, or interfere forcibly in the administration of the government, or any department thereof, the person so offending shall be punished by imprisonment in the State prison not exceeding ten years.

2375. *Combination against part of the people of the State.*—If two or more persons shall combine to levy war against any part of the people of this State, or to remove them forcibly out of this State, or to remove them from their habitations to any other part of this State by force, or shall assemble for that purpose, every person so offending shall be punished by imprisonment in the State prison not exceeding five years, or by fine not exceeding one thousand dollars.

2376. *Exciting insurrection.*—If any person shall excite an insurrection or sedition amongst any portion or class of the population of this State, or shall attempt by writing, speaking, or by any other means to excite such insurrection or sedition, the person or persons so offending shall be punished by imprisonment in the State prison not exceeding twenty years.

CODE OF GEORGIA.

CONSTITUTIONAL PROVISION.

5724. *Treason*.—Treason against the State of Georgia shall consist in levying war against her, adhering to her enemies, giving them aid and comfort. No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or confession in open court.

ILLINOIS STATUTES (1898).

TREASON.

CRIMINAL CODE.

264. *Punishment*.—Treason shall consist in levying war against the government and people of this State in the same, or being adherent to the enemies of this State, giving them aid, advice, and comfort in this State or elsewhere. Any person being thereof duly convicted of open deed by two or more witnesses or voluntary confession in open court, shall suffer the pains and penalties of death; and when the overt act of treason shall be committed without the limits of this State, the person charged therewith may be arrested, tried, and punished in any county in this State, within the limits of which he may be found; and the offense may be charged to have been committed in the county where he may be arrested.

265. *Misprision of treason*.—Misprisions of treason shall consist in the knowledge and concealment of treason, without otherwise assenting to or participating in the crime. Any person found guilty thereof shall be imprisoned in the penitentiary not exceeding two years.

REVISED STATUTES OF INDIANA (1881).

PROVISIONS OF THE CONSTITUTION.

73. *Treason*.—Treason against the State shall consist only in levying war against it, and in giving aid and comfort to its enemies.

STATUTORY PROVISIONS—CRIMES AGAINST THE STATE.

1902. *Treason*.—1. Whoever levies war against this State, or knowingly adheres to its enemies, giving them aid or comfort, is guilty of treason against the State of Indiana, and, upon conviction thereof, shall suffer death or be imprisoned in the State prison during life, in the discretion of the jury.

1903. *Misprision of Treason*.—2. Whoever, having knowledge that any person has committed treason or is about to commit treason against this State, willfully omits or refuses to give information thereof to the governor or some judge of the State, as soon as may be, is guilty of misprision of treason, and, upon conviction thereof, shall be imprisoned in the State prison for any period not exceeding twenty-one years and fined in any sum not exceeding ten thousand dollars, and shall also be disfranchised and rendered incapable of holding any office for any period not less than ten years.

STATUTES OF THE INDIAN TERRITORY.

CHAPTER 19.

CRIMINAL LAW.

IV.—*Treason and misprision of treason.*

SEC. 855. Treason against the State shall consist only in levying war against the State, or adhering to its enemies, giving aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or his own confession in open court.

SEC. 856. Any person convicted of treason shall suffer death.

SEC. 857. Misprision of treason shall consist in the knowledge and concealment of treason actually committed by others, without otherwise assenting to or participating in the crime.

SEC. 858. Any person duly convicted of misprision of treason shall be punished by fine not exceeding one thousand dollars and imprisonment not exceeding one year.

CODE OF IOWA.

PROVISIONS OF THE CONSTITUTION.

SEC. 16. *Treason.*—Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid or comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.

PROVISIONS OF THE CRIMINAL CODE.

TITLE XXIV.—OF CRIMES AND PUNISHMENTS.

CHAPTER I.—*Of offenses against the sovereignty of the State.*

5125. *Treason.*—Whoever is guilty of treason, by levying war against the State, or adhering to its enemies, giving them aid and comfort, shall be punished by imprisonment for life at hard labor in the State penitentiary. Treason is not a bailable offense.

5126. *Misprision of treason.*—If any person have knowledge of the commission of the crime of treason against the State and conceal the same, and not as soon as may be disclose such offense to the governor or some judge within the State, he is guilty of misprision of treason, and shall be fined not exceeding one thousand dollars, or be imprisoned in the penitentiary not exceeding three years nor less than one year.

GENERAL STATUTES OF KANSAS (1897).

CHAPTER 100.—OF CRIMES AND PUNISHMENTS.

ARTICLE 1.—*Offenses against government.*

SECTION 1. Every person who shall be convicted of treason against the State shall suffer death.

SEC. 2. Misprision of treason shall consist in being a party to any treasonable purpose against this State, or in having and holding cor-

respondence countenancing such treasonable purpose with any person or persons who shall be engaged in setting the same upon foot against the State, or in having knowledge of the existence of a treasonable purpose, or of an act of treason against the State, and failing speedily to make the same known to the governor of this State, and shall, upon conviction, be punished by confinement in the penitentiary for not less than one year nor more than ten years.

SEC. 3. Any citizen of this State who shall join any society or organization the object of which shall be to produce an insurrection or to revolutionize the government of this State or of the United States, or shall furnish arms or military stores to the enemies of this State or of the United States, knowing them to be such, shall upon conviction be punished by confinement in the penitentiary for not less than one nor more than ten years.

SEC. 4. Any person who shall, within the limits of this State, assist in raising the flag of any nation or body of men who are at war with this State or the United States, or shall wear any cockade, badge, or device, intending thereby to show his sympathy with or his adherence to the enemies of this State or the United States, shall be deemed guilty of a misdemeanor, and upon conviction before a justice of the peace shall be punished by a fine of not less than twenty-five nor more than one hundred dollars.

SEC. 5. Whenever either of the crimes described in the first, second, and third sections of this act shall be committed by a citizen of this State, without the limits of the same, the person charged therewith may be arrested, tried, and punished in any county of this State within the limits of which he may be found, and the offense may be charged to have been committed in the county in which he is arrested.

REVISED LAWS OF LOUISIANA.

PROVISIONS OF THE CRIMINAL CODE—OFFENSES AGAINST THE STATE AND PUBLIC JUSTICE.

855. *Treason defined.*—Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or his own confession in open court. Whoever shall be guilty of the crime of treason, on conviction, shall suffer death.

856. *Misprision of crimes.*—If any person having knowledge of the commission of any crime punishable with death, or imprisonment at hard labor, shall conceal and not disclose it to some committing magistrate or district attorney, on conviction he shall be fined not exceeding three hundred dollars, and imprisoned at hard labor or otherwise not exceeding twelve months, at the discretion of the court.

REVISED STATUTES OF MAINE (1883).

TITLE ELEVEN.

CHAPTER 117.—*Offences against the sovereignty of the State.*

SEC. 1. Treason consists in levying war against the State, adhering to its enemies, and giving them aid and comfort. No person can be

convicted of it without the testimony of two witnesses to the same overt act, or confession in open court. Its punishment is imprisonment for life.

SEC. 2. Misprision of treason consists in a knowledge that treason has been, or is to be committed, and in the concealment of it, or in omission to give information thereof to the governor, a judge of a court of record, or a justice of the peace. No person can be convicted of it without the testimony of two witnesses, but one of them may testify to one and another to a different overt act of the same species of treason, or by confession in open court. Its punishment is imprisonment not exceeding five years, or fine not exceeding one thousand dollars.

PUBLIC GENERAL LAWS OF MARYLAND.

TREASON.

264. If any person shall levy war against this State, or shall adhere to the enemies thereof, whether foreign or domestic, giving them aid or comfort, within this State or elsewhere, and shall be thereof convicted, on confession in open court or on the testimony of two witnesses, both of them to the same overt act, he shall suffer death, or be sentenced to confinement in the penitentiary for not less than six nor more than twenty years, at the discretion of the court.

265. If any person shall provide or procure money, goods, or other property, or effects (other than munitions of war) to be used in the levying of war against this State, or in giving aid or comfort to the enemies of this State, within this State or elsewhere, and be convicted thereof, he shall be sentenced to imprisonment in the common jail of the county or city wherever he may be convicted for a term not exceeding six months, or to a fine not exceeding five hundred dollars, at the discretion of the court; and if the property or effects so provided or procured consist in part or in the whole of munitions of war, the person so providing or procuring such munitions of war shall, on conviction thereof, be sentenced to confinement in the penitentiary for a term not less than six months or more than two years, or to a fine not less than one hundred nor more than five hundred dollars, at the discretion of the court; and in any and every case the money, goods, property, or effects, so provided or procured, shall be forfeited to the use of the State.

266. If any person or persons shall wilfully and for the purpose of promoting rebellion or war against this State burn or destroy any bridge, viaduct, culvert, structure, rails, ferryboat, or other property belonging to and being part of any highway or railroad within this State, or engine, car, vehicle, or property belonging to or being part of any highway or railroad within this State, or engine, car, vehicle, or property belonging to or used or employed upon any railroad within this State, or shall destroy any dam, lock, abutment, towing-path, wastewear, or feeder of any canal, or any boat, vessel, or other property belonging to or used or employed thereon, within this State, every such person upon conviction thereof shall be sentenced to undergo confinement in the penitentiary for a term not less than two or more

than six years, or to a fine of not less than five hundred nor more than two thousand dollars, in the discretion of the court.

267. If any person or persons within this State shall hold any secret or public meeting, or unite with or belong to any secret club or association known by him or them to be intended to effect, promote, or encourage the separation or secession of this State from the Government or Union of the United States, every such person, upon conviction thereof, shall be sentenced to confinement in the penitentiary for a term not less than two nor more than six years, or to a fine of not less than five hundred or more than three thousand dollars, at the discretion of the court.

268. If any person shall conspire or combine with others to levy war against this State, or to give aid or comfort to the enemies thereof, whether foreign or domestic, within this State or elsewhere, and be convicted thereof, he shall be sentenced to confinement in the penitentiary for not less than two years nor more than six years, or to a fine not exceeding five thousand dollars, at the discretion of the court.

269. If, with intent to promote rebellion or war against this State, or to give aid and comfort to the enemies thereof, any person shall attempt to burn or destroy any bridge, ferryboat, viaduct, culvert, structure, rails, or other property belonging to or being part of any highway or railroad, or any engine, car, vehicle, or other property, either belonging to or used or employed upon any railroad within this State; or if any person or persons shall attempt or conspire with others to destroy any dam, lock, abutment, towing path, waste weir, or feeder of any canal, or any boat, vessel, or other property belonging to or used or employed thereon within this State, every person so offending, upon conviction thereof, shall be sentenced to confinement in the penitentiary for a term not exceeding three years, nor less than one year, or fined in a sum not more than two thousand nor less than five hundred dollars, in the discretion of the court.

270. If any person or persons shall wilfully attempt or conspire to betray, yield, or deliver to any person or persons in rebellion against the government of this State, or to their emissaries, aiders, or abettors, any ship, vessel, or steamboat within this State, every person so offending shall, upon conviction thereof, be sentenced to confinement in the penitentiary for a term not exceeding three years nor less than one year, or fined in a sum not more than two thousand nor less than five hundred dollars, in the discretion of the court.

271. If any person, within this State, shall seduce, entice, or persuade any other person to commit any one of the offences prohibited by sections 264 to 270, inclusive, and such offence be committed, the said person who so seduced, enticed, or persuaded shall, on conviction, be sentenced to suffer such punishment as the person committing said offence would be liable to suffer as a punishment for the crime so committed by him.

272. If any person within this State shall attempt to seduce, entice, or persuade any other person to commit any of the offences prohibited by said sections, though such offence has not been committed, and shall be convicted thereof, he shall be sentenced to confinement in the penitentiary for not less than two years nor more than four years, or to a fine of not less than five hundred nor more than two thousand dollars, in the discretion of the court.

PUBLIC STATUTES OF MASSACHUSETTS.

[Edition of 1882.]

OFFENSES AGAINST THE SOVEREIGNTY OF THE COMMONWEALTH.

SECTION 1. Treason against this Commonwealth shall consist only in levying war against the same, or in adhering to the enemies thereof, giving them aid and comfort.

SECTION 2. Whoever commits treason against this Commonwealth shall be punished by imprisonment in the State prison for life.

SECTION 3. Whoever, having knowledge of the commission of treason, conceals the same, and does not as soon as may be disclose and make known such treason to the governor, or to one of the justices of the supreme judicial court or superior court, shall be adjudged guilty of the offence of misprision of treason, and be punished by fine not exceeding one thousand dollars, or by imprisonment in the State prison not exceeding five years, or in the jail not exceeding two years.

SECTION 4. No person shall be convicted of treason but by the testimony of two lawful witnesses to the same overt act of treason, whereof he stands indicted, unless he confesses the same in open court.

GENERAL STATUTES OF MICHIGAN.**CHAPTER 316. OFFENSES AGAINST THE SOVEREIGNTY OF THE STATE.**

9072. Every person who shall commit the crime of treason against this State shall suffer the punishment of death for the same.

9073. If any person who shall have knowledge of the commission of the crime of treason against this State shall conceal the same, and shall not, as soon as may be, disclose and make known such treason to the governor thereof, or to some judge of a court of record within this State, he shall be adjudged guilty of the offence of misprision of treason, and shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the State prison not more than five years, or in the county jail not more than two years.

STATUTES OF MINNESOTA.

[Edition, 1894.]

TREASON.

§ 6318. "*Treason*" defined.—Treason against the State consists in—

1. Levying war against the State within the same; or
2. Adhering to the enemies of the State while separately engaged in war with a foreign enemy, in a case prescribed in the Constitution of the United States, or giving to such enemies aid and comfort within the State or elsewhere.

§ 6319.—*Same—Punishment.*—Whoever commits treason against this State shall be punished by imprisonment in the State prison for life.

§ 6320. *Misprision of treason, how punished.*—Whoever, having knowledge of the commission of treason, conceals the same, and does

not, as soon as may be, disclose and make known such treason to the governor or one of the judges of the supreme court, shall be adjudged guilty of the offense of misprision of treason, and be punished by fine not exceeding one thousand dollars, or by imprisonment in the State prison not exceeding five years, or in the common jail not exceeding two years.

REVISED CODE OF THE STATUTE LAWS OF MISSISSIPPI.

[Edition 1880.]

TREASON.

§2965. Levying war against this State, or adhering to its enemies, giving them aid and comfort, shall be deemed and adjudged treason against this State, and shall be punished with death upon conviction thereof.

§2966. No person shall be convicted of treason against this State, unless upon the testimony of two witnesses to the same overt act, or on his own confession in open court.

PENAL CODE OF MONTANA.

TITLE III.—OFFENSES AGAINST THE SOVEREIGNTY OF THE STATE.

SEC. 50. Treason against this State consists only in levying war against it, adhering to its enemies, or giving them aid and comfort, and can be committed only by persons owing allegiance to the State. The punishment of treason is death.

SEC. 51. Misprision of treason is the knowledge and concealment of treason, without otherwise assenting to or participating in the crime. It is punishable by imprisonment in the State prison for a term not exceeding five years.

COMPILED STATUTES OF NEBRASKA, 1899.

TREASON.

PROVISIONS OF CONSTITUTION.

SEC. XIV. Treason against the State shall consist only in levying war against the State, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

PROVISIONS OF CRIMINAL CODE.

SEC. 22. (Treason.) Any person or persons residing in this State, who shall levy war against this State, or the United States of America, or shall knowingly adhere to the enemies of this State, or the United States, giving them aid and comfort, shall be deemed guilty of treason against the State of Nebraska, and shall be imprisoned in the penitentiary during life.

SEC. 23. (Accessories.) Any person or persons residing within this State, who shall surrender or betray, or be in any way concerned in the surrendering or betraying any military post, fortification, arsenal, or military stores of this State, or the United States, into the possession or power of any enemies of either, or shall supply arms or ammunition or military stores to such enemies, or who shall, unlawfully and without authority, usurp possession and control of any such military post, fortification, arsenal, or military stores, or having knowledge of any treason against this State, or the United States, shall wilfully omit or refuse to give information thereof to the governor, or some judge of this State, or to the President of the United States, shall be imprisoned in the penitentiary not less than ten years nor more than twenty years.

PUBLIC STATUTES OF NEW HAMPSHIRE.

CHAPTER 279.—TREASON AND MISPRISION.

SECTION 1. If any person owing allegiance to this State shall levy war or conspire to levy war against it, or shall in any way give aid and comfort to the enemies of this State, and shall be convicted thereof, either upon confession in open court or by the testimony of two or more witnesses to the same overt act of treason of which such person may be indicted, he shall be adjudged guilty of treason, and shall be imprisoned not exceeding twenty-five years.

SEC. 2. If any person shall know that any other person has committed, or is intending to commit, treason, and shall not give information thereof forthwith to the governor or to some justice of the peace, he shall be adjudged guilty of misprision of treason, and shall be imprisoned not exceeding seven years, or be fined not exceeding two thousand dollars.

SEC. 3. No person shall be tried for treason, or misprision of treason, unless the indictment therefor is found within two years next after the commission of the offense.

REVISION OF THE STATUTES OF NEW JERSEY.

[Edition, 1877.]

CRIMES WHICH INVOLVE INJURY TO PUBLIC SAFETY.

[Page 226.]

1. That if any person or persons, owing allegiance to this State, shall levy war against it, or shall adhere to its enemies, or to the enemies of the United States, by giving them aid or comfort within this State or elsewhere, or by giving them advice or intelligence by letters or writing of any kind, or by messages, words, signs, or tokens, or in any way whatsoever within this State or elsewhere, or by procuring for, or furnishing to them, money, or any kind of provisions, arms, or warlike stores within this State or elsewhere, or by bribery, or for reward, or promise thereof, or through favor, partiality, or treachery, yielding or surrendering to them, any town or fortress, castles, garri-

sons, troops, militia, citizen or citizens of this State, or of the United States, or any ship, boat, or vessel of this State, or of the United States, or by giving them aid and comfort in any other way, and shall be thereof convicted or attainted on confession in open court, or on the testimony of two witnesses to the same overt act of the treason whereof he, she, or they shall stand indicted, such person or persons shall be adjudged guilty of treason, and shall suffer death.

2. If any person or persons having knowledge of the commission of any of the treasons aforesaid shall conceal and not, as soon as may be, disclose and make known the same to the governor of this State, or to some one of the justices of the supreme court thereof, or to some one of the justices of the peace in and for any of the counties of this State, such person or persons, on conviction, shall be adjudged guilty of misprision of treason, and shall suffer imprisonment at hard labor for any term not exceeding seven years or be fined not exceeding one thousand dollars, or both, at the discretion of the court before whom such offender or offenders shall be convicted.

3. In all cases wherein heretofore any person or persons would have been deemed or taken to have committed the crime of petit treason, such person or persons shall be deemed and taken to have committed the crime of murder only, and shall be indicted and prosecuted to final judgment accordingly, and the same punishment, and no other, shall be inflicted as in case of murder.

4. If any person owing allegiance to this State shall by speech, writing, open deed or act, advisedly and wittingly maintain and defend the authority or jurisdiction of any foreign power, potentate, Republic, King, State, or nation whatsoever, in and over this State or the people thereof, such person so offending shall, on conviction, be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both, the fine not to exceed four hundred dollars nor the imprisonment the term of one year.

5. If any person or persons shall, within this State, get up or enter into any combination, organization, or conspiracy, with the intent and purpose of making or attempting to make a hostile invasion of any other State or Territory of the United States, or shall engage in plotting or contriving any such invasion; or shall knowingly furnish any money, arms, ammunition, or other means in aid of such object, or shall in any way knowingly and willfully aid, abet, or council any such combination, organization, or conspiracy, or any such hostile invasion, such person or persons shall be deemed guilty of a high misdemeanor, and shall, on conviction, be punished by fine or imprisonment at hard labor, or both, the fine not to exceed one thousand dollars and the imprisonment not to exceed the term of ten years.

6. If any person or persons having knowledge of the commission of any of the misdemeanors aforesaid shall conceal, and not, as soon as may be, disclose and make known the same to some one of the justices of the peace of the county where the said misdemeanor was committed, he or they shall be deemed guilty of a high misdemeanor, and shall, on conviction, be punished by fine not exceeding four hundred dollars or by imprisonment at hard labor not exceeding one year, or both.

PENAL CODE OF NEW YORK.**TITLE IV.—TREASON.**

SEC. 37. *Treason defined.*—Treason against the people of the State consists in

1. Levying war against the people of the State, within this State; or
2. A combination of two or more persons by force to usurp the government of the State or to overturn the same, shown by a forcible attempt, made within the State, to accomplish that purpose; or

3. Adhering to the enemies of the State, while separately engaged in war with a foreign enemy, in a case prescribed in the Constitution of the United States, or giving to such enemies aid and comfort within the State or elsewhere.

SEC. 38. *Punishment of treason.*—Treason is punishable by death.

* * * * *

SEC. 169. *Conspiracies against peace, etc.*—If two or more persons, being out of this State, conspire to commit any act against the peace of this State, the commission or attempted commission of which, within this State, would be treason against the State, they are punishable by imprisonment in a State prison not exceeding ten years.

PENAL CODE OF NORTH DAKOTA.

SEC. 7038. If two or more persons, being out of this State, conspire to commit any act against the peace of this State, the commission or attempted commission of which, within this State, would be treason against the State, they are punishable by imprisonment in the penitentiary not less than one and not exceeding ten years.

SEC. 7043. Every person owing allegiance to this State who levies war against it, or adheres to its enemies or gives them aid or comfort within this State, or elsewhere, is guilty of treason. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or his confession thereof in open court. Every person guilty of treason shall, upon conviction thereof, be punished by death, or, at the discretion of the court, shall be imprisoned in the penitentiary not less than five years and be forever incapable of holding any office under this State.

SEC. 7044. Every person owing allegiance to this State and having knowledge of any treason against it who conceals and does not, as soon as may be, disclose the same and make the same known to the governor or the attorney-general or to some judge of this State or of some district thereof, or to the State's attorney of some county or a magistrate thereof, is guilty of misprision of treason, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than one and not exceeding five years.

REVISED STATUTES OF OHIO.

[6th Edition, 1894.]

OFFENSES AGAINST THE SOVEREIGNTY OF THE STATE.

SECTION 6806. Whoever levies war against this State, or the United States, or knowingly adheres to the enemies of either, giving them aid and comfort, is guilty of treason against the State of Ohio, and shall be imprisoned in the penitentiary during life.

SECTION 6807. Whoever, having knowledge that any person has committed treason, or is about to commit treason; willfully omits or refuses to give information thereof to the governor, or some judge of the State, or to the President of the United States, is guilty of misprision of treason, and shall be imprisoned in the penitentiary no more than twenty nor less than ten years.

GENERAL LAWS OF OREGON.

CRIMINAL CODE.

TITLE II.—OF CRIMES AND THEIR PUNISHMENTS.

CHAPTER I.—*Of the crime of treason.*

1710. The following acts constitute the crime of treason against this State:

1. Levying war against this State within the boundaries thereof; or
2. A combination of two or more persons, by force, to usurp the government of this State, or to overturn the same, evidenced by a forcible attempt made within this State to accomplish such purpose;
3. Adhering to the enemies of this State while separately engaged in a war with a foreign enemy, in the cases prescribed in the Constitution of the United States, and giving to such enemies aid and comfort in this State or elsewhere.

1711. To constitute levying war against this State, an actual act of war must be committed. To conspire merely to levy war is not enough.

1712. Where persons rise in insurrection, with intent to prevent in general, by force and intimidation, the execution of a statute of this State, or to force its repeal, they are guilty of levying war. But an endeavor, although by numbers and force of arms, to resist the execution of a law in a single instance and for a private purpose is, not levying war.

1713. Every person convicted of the crime of treason shall suffer death for the same.

LAWS OF PENNSYLVANIA.

OFFENSES AGAINST THE STATE.

1. If any person owing allegiance to the Commonwealth of Pennsylvania shall levy war against the same, or shall adhere to the enemies thereof, giving them aid and comfort within the State or elsewhere, and shall be thereof convicted on confession in open court or on the testimony of two witnesses to the same overt act of the treason whereof he shall stand indicted, such person shall, on conviction, be adjudged guilty of treason against the Commonwealth of Pennsylvania, and be sentenced to pay a fine not exceeding two thousand dollars and undergo an imprisonment, by separate and solitary confinement at labor, not exceeding twelve years.

2. If any person, having knowledge of any of the treasons aforesaid, shall conceal and not, as soon as may be, disclose and make known the same to the governor or attorney-general of the State or

some one of the judges or justices thereof, such person shall, on conviction, be adjudged guilty of misprision of treason, and shall be sentenced to pay a fine not exceeding one thousand dollars and undergo an imprisonment by separate or solitary confinement at labor not exceeding six years: *Provided always*, That nothing herein contained shall authorize the conviction of any husband or wife for concealing any treasons committed by them respectively.

3. If any person or persons belonging to or residing within this State, and under the protection of its laws, shall take a commission or commissions from any person, State, or States, or other enemies of this State or of the United States of America, or who shall levy war against this State or government thereof, or knowingly and willingly shall aid or assist any enemies in open war against this State or the United States by joining their armies, or by enlisting, or procuring, or persuading others to enlist for that purpose, or by furnishing such enemies with arms or ammunition, or any other articles for their aid and comfort, or by carrying on a traitorous correspondence with them, or shall form, or be in anywise concerned in forming, any combination, or plot, or conspiracy for betraying this State or the United States of America into the hands or power of any foreign enemy, or any organized or pretended government engaged in resisting the laws of the United States, or shall give or send any intelligence to the enemies of this State or of the United States of America, or shall, with intent to oppose, prevent, or subvert the government of this State or of the United States, endeavor to persuade any person or persons from entering the service of this State or of the United States, or from joining any volunteer company or association of this State about being mustered into service, or shall use any threats or persuasions, or offer any bribe, or hold out any hope of reward with like intent, to induce any person or persons to abandon said service or withdraw from any volunteer company or association already organized under the laws of this Commonwealth for that purpose; every person so offending and being legally convicted thereof shall be guilty of a high misdemeanor, and shall be sentenced to undergo solitary imprisonment in the penitentiary at hard labor for a term not exceeding ten years, and be fined in a sum not exceeding five thousand dollars, or both, at the discretion of the court: *Provided*, That this act shall not prohibit any citizen from taking or receiving civil commissions for the acknowledgment of deeds and other instruments of writing.

4. If any person or persons within this Commonwealth shall sell, build, furnish, construct, alter, or fit out, or shall aid or assist in selling, building, constructing, altering, or fitting out, any vessel or vessels for the purpose of making war or privateering, or other purpose, to be used in the service of any person or parties whatever to make war on the United States of America, or to resist by force or otherwise the execution of the laws of the United States, such person or persons shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to undergo solitary imprisonment in the penitentiary at hard labor not exceeding ten years and be fined in a sum not exceeding ten thousand dollars, or both, at the discretion of the court.

5. No person shall within this State recruit or enlist, or attempt or offer to recruit or enlist, any man or men to serve as volunteer of any other State, or shall in any way procure or attempt to procure any man or men to leave this State for the purpose of enlisting in the vol-

unteers of any other State; and any person offending in the premises, or any of them, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to a fine not exceeding five hundred dollars and be imprisoned at hard labor for a term not exceeding twelve months; and all fines imposed under this act shall be paid to the person who shall have prosecuted the party offending to conviction.

GENERAL LAWS OF RHODE ISLAND.

TITLE XXX.—OF CRIMES AND PUNISHMENTS.

CHAPTER 275.—*Of offenses against the sovereignty of the State.*

SECTION 1. Every person who shall be convicted of treason against this State by levying war against the same or by adhering to the enemies of this State, giving them aid and comfort, shall be imprisoned during life.

SEC. 2. Every person who shall have knowledge of the commission of treason against this State by levying war against this State or by adhering to the enemies of the State, giving them aid and comfort, and who shall conceal the same, and shall not as soon as may be disclose and make known such treason to the governor or to some magistrate, shall be deemed guilty of misprision of treason against this state and shall be imprisoned not exceeding twenty years nor less than five years, or be fined not exceeding ten thousand dollars.

SEC. 3. No person shall be convicted of treason against this State by levying war against the same, or by adhering to the enemies of this State, giving them aid and comfort, but by testimony of two lawful witnesses to the same overt act for which he shall then be on trial, unless he shall in open court confess the same.

SEC. 4. All town meetings of the freemen, inhabitants or residents of this State, or of any portion of the same, for the election of any town, city, ward, county, or State officers, called or held in any town or city in this State, except in the manner, for the purposes, at the times, and by the persons by law prescribed, are illegal and void, and every person who shall act as moderator, warden, or clerk in such pretended meetings hereafter to be held, or in any manner receive, record, or certify votes for the election of any pretended town, city, ward, county, or State officers, shall be deemed guilty of a misdemeanor and shall be fined not exceeding one thousand dollars nor less than five hundred dollars, and be imprisoned for a term of six months: *Provided*, That this section is not intended to apply to cases in which, by accident or mistake, some prescribed forms of calling town and ward meetings of the electors of the several towns and cities of this State shall be omitted or overlooked.

SEC. 5. Every person who shall in any manner signify that he will accept any legislative, executive, judicial, or ministerial office by virtue of any pretended election in any such pretended town, ward, or other meetings, or shall knowingly suffer or permit his name to be used as a candidate therefor, shall be adjudged guilty of a high crime and misdemeanor and be fined not exceeding two thousand dollars and be imprisoned for the term of one year.

SEC. 6. Every person, except he be duly elected thereto according to the laws of this State, who shall assume or exercise any of the

legislative, executive, or ministerial functions of the office of governor, lieutenant-governor, senator, member of the house of representatives, secretary of state, attorney-general, or general treasurer of this State, within the territorial limits of the State, as the same are now actually had and enjoyed, either separately or with others, or shall assemble with others for the purpose of exercising any of said functions, shall be imprisoned during life.

SEC. 7. Such meetings as are described in section four of this chapter, and also all meetings of persons other than those authorized by law calling themselves when collected or claiming to be the general assembly of this State or either house thereof, are hereby declared to be riotous, tumultuous, and treasonable assemblies, and the commander in chief, the sheriff of any county, or any deputy sheriff, any justice of the supreme court, the mayors of the cities of Providence and Newport, or in their absence the boards of aldermen of said cities, are hereby authorized and required to command such assemblies or any of them to disperse, and if they do not forthwith obey said command, then, by the civil posse, or, if they deem it necessary, by calling out and using for that purpose the whole or any portion of the military force of this State within their respective jurisdictions that they or either of them may deem sufficient therefor, to disperse such assemblies or any of them within their jurisdictions, and all such officers, civil and military, and persons under their command, are hereby directed to govern themselves accordingly.

CRIMINAL STATUTES OF SOUTH CAROLINA (1894).

CONSPIRACY.

SECTION 198. If any two or more persons shall band or conspire together, or go in disguise upon the public highway or upon the premises of another, with intent to injure, oppress, or violate the person or property of any citizen because of his political opinion or his expression or exercise of the same, or shall attempt, by any means, measures, or acts, to hinder, prevent, or obstruct any citizen in the free exercise and enjoyment of any right or privilege secured to him by the Constitution and laws of the United States or by the constitution and laws of this State, such persons shall be deemed guilty of a felony, and on conviction thereof be fined not less than one hundred or more than two thousand dollars or be imprisoned not less than six months or more than three years, or both, at the discretion of the court, and shall thereafter be ineligible to and disabled from holding any office of honor, trust, or profit in this State.

INSURRECTION OR REBELLION.

SEC. 209. Whenever, by reason of unlawful obstructions, combinations or assemblages of persons, or rebellion against the authority of the government of this State, it shall become impracticable, in the judgment of the governor of the State, to enforce by the ordinary course of judicial proceedings the laws of the State within any county or counties of the State, it shall be lawful for the governor of the State to call forth the militia of any or all of the counties in the State and

employ such parts thereof as he may deem necessary to enforce the faithful execution of the laws or to suppress such rebellion.

SEC. 213. The governor of the State when in his judgment the public safety may require it, is hereby authorized to take possession of any or all of the telegraph lines in the State, their offices and appurtenances; to take possession of any or all railroad lines in the State, their rolling stock, their offices, shops, buildings, and all their appendages and appurtenances; to prescribe rules and regulations for the holding, using, and maintaining of the aforesaid telegraph and railroad lines in the manner most conducive to the interest and safety of the Government; to place under military control all the officers, agents, and employees belonging to the telegraph and railroad lines thus taken possession of, so that they shall be considered a part of the military establishment of the State, subject to all the restrictions imposed by the Rules and Articles of War.

SEC. 214. The governor is authorized to employ as many persons as he may deem necessary and proper for the suppression of such insurrection, rebellion, or resistance to the laws, and for this purpose he may organize and use them in such manner as he may judge best for the public welfare.

SEC. 215. If, during any insurrection, rebellion, or unlawful obstruction of the laws, as set forth in section 209 of this chapter, the governor of the State in his judgment shall deem the public safety requires it, he is authorized to suspend the privilege of the writ of *habeas corpus* in any case throughout the State or any part thereof, and whenever the said privilege shall be suspended as aforesaid no military or other officer shall be compelled, in answer to any writ of *habeas corpus*, to return the body of any person or persons detained by him by authority of the governor; but upon the certificate, under oath, of the officer having charge of anyone so detained that such person is detained by him as a prisoner under the authority of the governor, further proceedings under the writ of *habeas corpus* shall be suspended by the judge or court having issued the said writ so long as said suspension by the governor shall remain in force and said rebellion continue.

CODE OF TENNESSEE.

[Milliken & Vertres, 1884.]

TREASON.

5518. Every person inhabiting or residing, or voluntarily coming to inhabit or reside, within the limits of Tennessee, owes and shall pay allegiance to the government thereof.

5519. Treason against the State consists in the following acts committed by any person residing within the State and under the protection of its laws:

1. Taking a commission from or under the authority of the enemies of the State or of the United States.

2. Levying war against the State or the government thereof.

3. Knowingly and wittingly aiding or assisting any enemies at open war against the State or United States—

By joining their armies;

By enlisting, or procuring or persuading others to enlist, for that purpose;

By furnishing such enemies with arms, ammunition, provisions, or any other article for their aid and comfort.

4. Forming, or being in any wise concerned in forming, any combination, plot, or conspiracy for betraying the State or the United States into the hands or power of any foreign enemy.

5. Giving or sending any intelligence to the enemies of the State for that purpose.

5520. Every person so offending, and being thereof legally convicted by the evidence of two sufficient witnesses, or by confession in open court, shall be adjudged guilty of treason against the State, and shall suffer imprisonment in the penitentiary not less than ten or more than twenty years.

5521. If any person has knowledge of the commission of treason, and conceals the same, or does not, as soon as may be, disclose such offense to the governor, or some attorney-general or judge of the State, he is guilty of misprision of treason, and shall, upon conviction, be fined not exceeding one thousand dollars and imprisoned in the penitentiary not more than five years.

SEDITION.

5555. Whoever shall be guilty of uttering seditious words or speeches, spreading abroad false news, writing or dispersing scurrilous libels against the State or General Government, disturbing or obstructing any lawful officer in executing his office, or of instigating others to cabal and meet together to contrive, invent, suggest, or incite rebellious conspiracies, riots, or any manner of unlawful feud or differences, thereby to stir people up maliciously to contrive the ruin and destruction of the peace, safety, and order of the Government, or shall knowingly conceal such evil practices, shall be punished by fine and imprisonment at the discretion of the court and jury trying the case, and may be compelled to give good and sufficient sureties for his or her good behavior during the court's pleasure, and shall be incapable of bearing any office of honor, trust, or profit in the State government for the space of three years. It shall be the duty of the judge to give this in charge to the grand jury, and no prosecutor shall be required to an indictment under this article.

STATUTES OF VERMONT (1894).

TITLE 32.—CRIMES AND OFFENSES.

CHAPTER 211.—*Treason.*

SEC. 4881. A person who, owing allegiance to this State, levies war or conspires to levy war against the same, or adheres to the enemies thereof, giving them aid and comfort, within the State or elsewhere, shall be guilty of treason against this State and shall suffer the punishment of death.

SEC. 4882. Such person may be tried in any county in the State, but shall not be convicted except upon testimony equivalent to two wit-

nesses to the same overt act of treason of which he stands indicted, or upon confession in open court.

SEC. 4883. A person owing allegiance to this State, knowing such treason to have been committed, or knowing of the intent of a person to commit such treason, who does not within fourteen days from the time of having such knowledge give information thereof to the governor of the State, to one of the judges of the supreme court, or to a justice, shall be guilty of misprision of treason, and shall be punished by imprisonment in the State prison not more than ten years and not less than five years, and by fine not exceeding two thousand dollars, or either of said punishments, in the discretion of the court.

CODE OF VIRGINIA (1887).

OFFENCES AGAINST THE SOVEREIGNTY OF THE STATE.

SEC. 3658. *Treason defined; how proved and punished.*—Treason shall consist only in levying war against the State, or adhering to its enemies, giving them aid and comfort, or establishing, without authority of the legislature, any government within its limits separate from the existing government, or holding or executing, in such usurped government, any office, or professing allegiance or fidelity to it, or resisting the execution of the laws under color of its authority; and such treason, if proved by the testimony of two witnesses to the same overt act, or by confession in court, shall be punished with death.

SEC. 3659. *Misprision of treason; how punished.*—If any person knowing of such treason shall not, as soon as may be, give information thereof to the governor, or some conservator of the peace, he shall be punished by fine not exceeding one thousand dollars or by confinement in the penitentiary not less than three nor more than five years.

SEC. 3660. *Attempting, or instigating others, to establish usurped government; how punished.*—If any person attempt to establish any such usurped government, and commit any overt act therefor, or by writing or speaking endeavor to instigate others to establish such government, he shall be confined in jail not exceeding twelve months and fined not exceeding one thousand dollars.

SEC. 3661. *Conspiring to incite the colored population to insurrection against the white population or the white against the colored; how punished.*—If any person conspire with another to incite the colored population of the State to acts of violence and war against the white population, or to incite the white population of the State to acts of violence and war against the colored population, he shall, whether such insurrection be made or not, be punished by confinement in the penitentiary not less than five nor more than ten years.

CODE OF WEST VIRGINIA.

CHAPTER CXLIII.—OF OFFENCES AGAINST THE SOVEREIGNTY OF THE STATE.

1. Treason against the State shall consist in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court.

2. Whoever is guilty of treason against the State shall be punished with death, or, at the discretion of the jury, by confinement in the penitentiary not less than three nor more than ten years, and by the confiscation of his real and personal estate.

3. If any person have knowledge of any treason against the State, and shall not, as soon as may be, give information thereof to the governor or some conservator of the peace, he shall be punished by fine not exceeding one thousand dollars or by confinement in the penitentiary not less than one nor more than five years.

4. If any person shall attempt to justify or uphold an armed invasion of this State or an organized insurrection therein by speaking, writing, or printing, or by publishing or circulating any written or printed document, or in any other way whatever, during the continuance of such invasion or insurrection, he shall be fined not exceeding one thousand dollars and be confined in jail not exceeding twelve months.

STATUTES OF WISCONSIN, 1898.

PROVISIONS OF THE CONSTITUTION.

Treason.—SECTION 10. Treason against the State shall consist only in levying war against the same or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court.

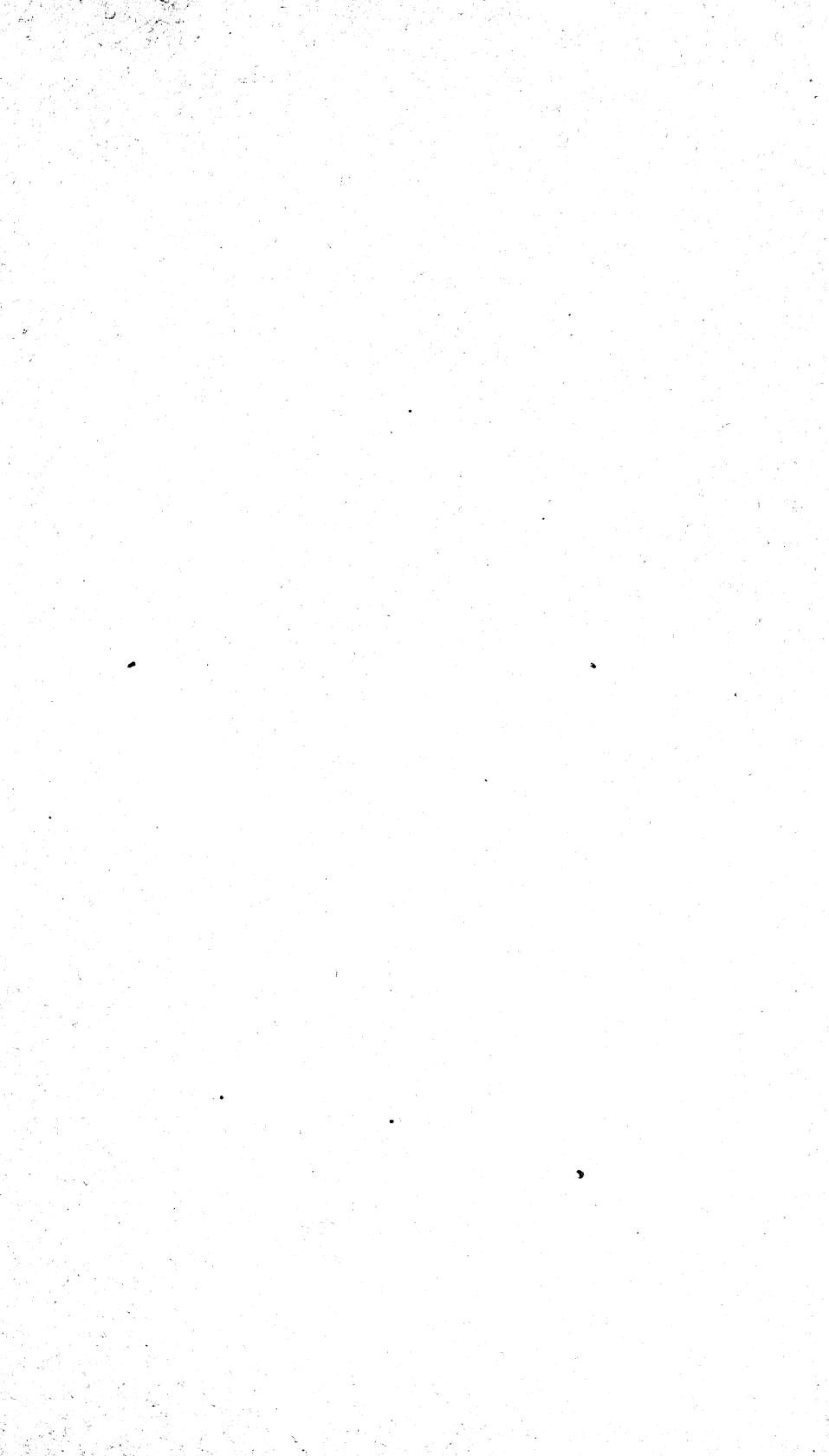
STATUTORY PROVISION.

Treason.—SECTION 4510. Any person who shall be guilty of treason against the State shall be punished by imprisonment in the State prison for life.

This comparison is confined to the existing laws of the United States and States of Union. There are a number of obsolete enactments with which comparison might be made. During our entire history, whenever there has been in any community a class from whose actions or utterances danger might reasonably be apprehended, the legislative discretion has never hesitated to provide a means of protection; as, for instance, the legislation against the Tories during the Revolution; that against renegade white men who incited the Indians to outbreak and massacres; that against the negroes of the South during the years they were held in slavery; that against the Knights of the Golden Circle and similar secret societies during the civil war, and the several measures now pending in Congress to prevent the promotion of anarchy by seditious utterances.

Respectfully submitted.

CHARLES E. MAGOON,
Law Officer, Division of Insular Affairs.



UNIVERSITY OF MICHIGAN



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